

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION**

WILLIE BERNARD MARSHALL, SR., :

Plaintiff, : **Case No.: 5:09-cv-382(CAR)**

v.

JONATHAN BUSBEE et al., : **42 U.S.C. § 1983**

Defendants. :

***ORDER ON THE REPORT AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE***

Before the Court is the United States Magistrate Judge's Recommendation [Doc. 29] to grant Defendant Searcy's Motion to Dismiss [Doc. 15] Plaintiff's claims pursuant to 42 U.S.C. § 1983 for failure to state a claim upon which relief can be granted. Upon entry of the Recommendation, Plaintiff filed two separate motions "To Grant Relief" [Docs. 30, 32]. The first, which the Court will construe as an Objection, reasserts Plaintiff's conclusory legal allegations against Defendant Searcy. As an added example of Searcy's supposedly "outrageous" behavior, the Objection further alleges that Searcy refused Plaintiff's request to call home after a relative had died. The second Motion was filed too late to be an Objection and, in any case, adds nothing to the record.

Upon *de novo* review of the Recommendation, the Objection, and the entire record, the Court agrees with the findings and conclusions of the United States Magistrate Judge. The Recommendation is therefore **ADOPTED** and **MADE THE ORDER OF THE COURT**. Defendant Searcy's Motion to Dismiss is **GRANTED**. He is **DISMISSED** from the action.

Plaintiff's second Motion To Grant Relief is **DENIED** because it fails to request relief the Court can grant at this time and, at best, only restates the allegations in Plaintiff's Complaint.

SO ORDERED, this 27th day of July, 2010.

S/ C. Ashley Royal
C. ASHLEY ROYAL, JUDGE
UNITED STATES DISTRICT COURT

THC